

Remarks/Arguments

Status of the Application

Applicants respectfully request reconsideration of the rejections set forth in the Office Action mailed on October 31, 2003.

- Claims 1-19 are rejected under 35 U.S.C. 103(a)
- Claims 20 and 21 are newly presented

Thus, claims 1-21 are pending in the current application.

The Claims

Rejections Under 35 U.S.C. § 103

Claims 1, 2, 5-7, 11-15, and 18

The Examiner has rejected claims 1, 2, 5-7, 11-15, and 18 under 35 U.S.C. § 103 as being unpatentable by U.S. Patent No. 4,437,382 to *Yerushalmi* (*Yerushalmi*) in view of U.S. Patent No. 3,820,435 to *Rogers et al.* (*Rogers*). Applicants respectfully traverse. *Yerushalmi* discloses a bomb disposal device wherein an outer housing is pivotably mounted on horizontal axles (*see* Figure 1; col. 2, ll. 43-64). As described therein, netting (element 32) may be used to remotely draw an explosive through the outer housing into the inner housing (*see* col. 3, ll. 36-46).

Rogers, as the Examiner has correctly cited, discloses a “netting 157 suspended within vessel 150 such that the bomb does not come into contact with the wall of the vessel 150” (Col. 8, ll. 46-48). Presumably, the netting is incorporated into the device disclosed because “it is imperative from a safety standpoint that bombs and other infernal devices be jarred as little as possible” (Col. 9, ll. 35-37). Applicants therefore submit that the function of the netting is to suspend the bomb such that the bomb does not come into contact with the wall of the vessel thus avoiding dangerous jarring effects.

In contrast, previously amended claim 1 explicitly requires, “a means for lining the inner containment vessel such that the explosive device is at least partially suspended.” Applicants submit that the common and ordinary meaning of the term lining is “a protective covering that protects an inside surface” (<http://www.onelook.com/?w=lining&ls=a>). Thus, a lining, as used in the present claim, is a protective covering protecting the inner containment vessel. Support for this proposition may also be found in the Specification at page 6, ll. 5-17. Applicants further submit that the meaning of the term (a protective covering protecting the inner containment

vessel) as contemplated in the present claim is inherent in the term “lining” and that no further claim language is necessary to particularly point out this limitation. Further, although the claim language explicitly requires “that the explosive device is at least partially suspended,” Applicants submit that the partial suspension of the explosive device is also an inherent condition where the use of a lining is contemplated.

The netting in *Rogers* suspends an explosive device, but does not protect the containment vessel because it does not cover or line the inner surface of the containment vessel. Thus, the references either alone or in combination fail to teach or render obvious the present claim.

Therefore, for at least the reasons stated above, Applicants respectfully submit that the rejection of claim 1 is not supported by the cited art and respectfully request reconsideration of the above rejection.

Dependent claims 2, 5-7, 11-15, and 18 depend either directly or indirectly from independent claim 1 and are therefore also allowable over the cited art for at least the reasons stated for claim 1.

Claims 3 and 4

The Examiner has rejected claims 3 and 4 as being unpatentable over *Yerushalmi* in view of *Rogers* and further in view of U.S. Patent No. 4,432,285 to *Boyars et al.* (*Boyars*). Applicants respectfully traverse.

Dependent claims 3 and 4 indirectly from independent claim 1 and are therefore also allowable over the cited art for at least the reasons stated for claim 1. Further, *Boyars*, adds nothing to reasonably cure the deficiencies in *Yerushalmi* or *Rogers*.

Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art. In particular, *Boyars* discloses a vessel comprised of several laminated layers including stainless steel layers and styrofoam or other similar foamed plastic layers whose express function is to serve as shock wave attenuators (*see* col. 2, l. 62 to col. 3, l. 5).

In contrast, the present claims are directed toward filler materials and, in claim 4 a flame retardant. The Specification particularly discloses that the filler material may comprise, “fragment penetration barrier material, ballistic barrier protection material, or fire retardant

material" (p. 6, ll. 23-25). Thus, the present claims are neither laminated nor utilized for shock wave attenuation as described in *Boyars*.

Thus for at least the reasons stated above, Applicants submit that dependent claims 3 and 4 are patentable over the cited art and therefore respectfully request reconsideration of the above rejection.

Claims 8-10

The Examiner has rejected claims 8-10 under 35 U.S.C. § 103 as being unpatentable over *Yerushalmi* in view of *Rogers* and further in view of U.S. Patent No. 5,684,264 to *Cassells et al.* (*Cassells*).

Dependent claims 8-10 depend either directly or indirectly from independent claim 1 and are therefore also allowable over the cited art for at least the reasons stated for claim 1.

Furthermore, the Examiner's secondary reference, *Cassells*, adds nothing to reasonably cure the deficiencies in *Yerushalmi* or *Rogers*.

Thus for at least the reasons stated above, Applicants submit that dependent claims 8-10 are patentable over the cited art and therefore respectfully request reconsideration of the above rejection.

Claims 16-17, and 19

The Examiner has rejected claims 16-17, and 19 under 35 U.S.C. § 103 as being unpatentable by *Yerushalmi* in view of *Rogers*.

Dependent claims 16-17 depend directly from independent claim 1 and are therefore also allowable over the cited art for at least the reasons stated for claim 1.

Furthermore, the Examiner's secondary reference, *Rogers*, adds nothing to reasonably cure the deficiencies in *Yerushalmi*.

Independent claim 19 recites at least the same limitations as does claim 1 and therefore the Applicants contend that claim 19 is also allowable over the cited art for at least the reasons cited for independent claim 1.

Thus for at least the reasons stated above, Applicants submit that dependent claims 8-10 are patentable over the cited art and therefore respectfully request reconsideration of the above rejection.

Added Claims

Claims 20 and 21

Claims 20 and 21 are newly presented to further distinguish the present invention. Support for the proposed claims can be found in the Specification at page 7, lines 3-11.

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP



Damon K. I. Kali
Reg. No. 50,541

P.O. Box 778
Berkeley, CA 94704-0778
(650) 961-8300